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HIGH COURT OF JUDICATURE AT BILASPUR, CHHATTISGARH

SINGLE BENCH: HON'BLE SHRI S.R. NAYAK, CJ.

WRIT PETITION NO. 1485 OF 2006

PETITIONER — Amarjeet Singh, son of Late Mahtab Singh, aged about 57 years, Proprietor, Rahul Trades, Sihawa Chok, Dhamtari, Distt. Dhamtari (C.G.)

Vs.

RESPONDENTS

1. The State of Chhattisgarh, Through the District Collector, Distt. Dhamtari (C.G.)
2. The Secretary, Department of Public Works, Dau Kalyan Singh Bhawan, Mantralay, Raipur (C.G.)
3. The Sub Divisional Officer, Public Works Department, Sub Division Dhamtari Distt. Dhamtari (C.G.)
4. The Tahsildar, Dhamtari, Distt. Dhamtari (C.G.)
5. The Nagar Palik Parishad, Dhamtari, Distt. Dhamtari, through – the Chief Executive Officer, Dhamtari (C.G.)

WRIT PETITION NO. 1486 OF 2006

PETITIONER — Sarang Pan Singh, aged about 54 years, son of Late Mehtab Singh, resident of Sihawa Chowk, Tahsil and District Dhamtari (Chhattisgarh)

Vs.

RESPONDENTS

1. The State of Chhattisgarh, Through the District Collector, Distt. Dhamtari (C.G.)
2. The Secretary, Department of Public Works, Dau Kalyan Singh Bhawan, Mantralay, Raipur (C.G.)
3. The Sub Divisional Officer, Public Works Department, Sub Division Dhamtari Distt. Dhamtari (C.G.)
4. The Tahsildar, Dhamtari, Distt. Dhamtari (C.G.)
5. The Nagar Palik Parishad, Dhamtari, Distt. Dhamtari, through – the Chief Executive Officer, Dhamtari (C.G.)

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WRIT PETITION NO. 1487 OF 2006

PETITIONER Kishor Jaswani, aged about 43 years, son of Shri Gopichand Jaswani, resident of Sihawa Chowk Dhamtari (C.G.)

Vs.

RESPONDENTS

1. The State of Chhattisgarh, Through the District Collector, Distt. Dhamtari (C.G.)
2. The Secretary, Department of Public Works, Dau Kalyan Singh Bhawan, Mantralay, Raipur (C.G.)
3. The Sub Divisional Officer, Public Works Department, Sub Division Dhamtari Distt. Dhamtari (C.G.)
4. The Tahsildar, Dhamtari, Distt. Dhamtari (C.G.)
5. The Nagar Palik Parishad, Dhamtari, Distt. Dhamtari, through – the Chief Executive Officer, Dhamtari (C.G.)

Present: Mr.V.R. Tiwari , learned counsel for the petitioners.
Mr. Yashwant Singh, learned G.A., for the State.

ORAL ORDER
(Passed on 31st March, 2006)

The situation that obtains in each of these cases is substantially similar to the one in Writ Petition No.1402 of 2006 disposed of on 23rd March 2006. Having perused what is stated in the impugned notices and the pleadings of the petitioners, it needs to be noticed that certain factual controversies touching title and land possession do arise for resolution and decision-making. Those controversies cannot be resolved in a summary proceeding under Article 226 of the Constitution of India. The dispute brought before the Court relates to title of the subject plots, whether it is the property of the Public Works Department or property of the petitioners as claimed by them. Such dispute can be resolved only by

competent civil Court. However, it was appealed to the Court by learned counsel for the petitioners that there is an imminent danger of demolishing the construction made by them in the subject plots of land and, therefore, the respondent authorities be prevented from resorting to demolition for a reasonable time so that the petitioners could workout their legal remedies before the jurisdictional civil Court.

(2) Having heard learned counsel for the parties, I dispose of these writ petitions directing the petitioners and the respondents to maintain status quo that obtains as on today with regard to the subject plots of land for a period of five weeks from today. All the contentions raised in the impugned notices and in the pleadings of the petitioners are left open to be agitated before the jurisdictional civil Court in the event of the petitioners instituting suits for legal remedies. In the facts and circumstances of the case, the parties shall bear their respective costs.

(3) Certified copy as per rules.

Sd/-
Chief Justice